

**GRAY DAVIS**  
**GOVERNOR**



***State of California***

# **S T A T E B O A R D O F C O N T R O L**

## **BOARD MEMBERS**

**CLIFF ALLENBY**  
Interim Director,  
Department of General  
Services and  
Chairman

**KATHLEEN CONNELL**  
State Controller and  
Board Member

**BENNIE O'BRIEN**  
Public Board Member

**Annual Report**  
**Fiscal Year 1997-98**



*“...I cannot begin to fully disclose how touched I was at your personal involvement with my case. I will never forget the day of the hearing when you walked over and put your arms around me. From our conversations and that moment, you [became someone] I admire....Your relentless efforts to put my case together... will never be forgotten.*

*Thank you for everything.”*

**(Anonymous Victim)**

# ACKNOWLEDGMENTS

The State Board of Control (Board) wishes to express its sincerest appreciation to the Governor's Office and the Legislature for their leadership, support, and commitment with respect to victim services and the Victims of Crime (VOC) Program. The Administration and the Legislature have consistently placed high priority on ensuring victims receive compensation to assist them in dealing with the effects of violent crime. This has been accomplished through funding augmentations, the enactment of legislation to restructure VOC Program benefits, and strengthening the state's restitution laws to ensure offender accountability.

The Board would also like to recognize: the Youth and Adult Correctional Agency for its collaborative efforts with the Board in implementing restitution program activities through the Departments of Corrections and Youth Authority; the Youthful Offender Parole Board and the Board of Prison Terms for their continuing support for victims and restitution; the Office of Criminal Justice Planning for its continuous efforts at improving the criminal justice system and crime victim services; the Attorney General's Office and his staff for their support of the Board's VOC and Government Claims Programs as well as improved restitution laws; the judiciary, district attorneys, court administrators, and probation officers for their collaborative efforts with the Board in coordinating, communicating, and analyzing the administration of criminal restitution fines and orders on a statewide basis; and the victims organizations and service providers for their commitment to victims of violent crime.

The Board is also appreciative of staff from the local Victim/Witness Assistance Centers who refer individual victims to the Board for help, and in particular, those staff who, under Joint Powers Agreements with the Board, process claims for victims in their local areas. The assistance of all these individuals has enabled the Board to provide much needed financial support to tens of thousands of victims.

Finally, the Board is grateful to the U.S. Department of Justice, Office for Victims of Crime, for providing federal funds to the VOC Program to further help compensate California crime victims.

## MESSAGE FROM THE BOARD MEMBERS

**A**s the members of the Board and on behalf of the Executive Staff, it is our honor to present the 1997-98 Annual Report. This report chronicles the Board's program activities and summarizes notable accomplishments, workload statistics, and the fiscal condition from July 1, 1997, to June 30, 1998.

Much of the information contained in the Annual Report highlights the VOC Program. Established in 1965, California's VOC Program was the first victims' compensation program in the United States and the third such program in the world. It is also the largest in the nation, serving the most diverse population, and since its inception has provided almost a billion dollars to help nearly a half million victims in overcoming the trauma of victimization.

The Board's Revenue Recovery and Compliance Division (RRCD) supports the VOC Program by ensuring that criminal offenders are held accountable for the financial losses suffered by their victims. The Annual Report highlights the revenue-enhancing efforts of RRCD. Again, California has become a national leader in this field. Officials from other states often consult with Board staff to learn about California's efforts and innovations in the area of criminal restitution.

We are proud that California has been at the forefront in developing and implementing an effective public policy to ensure that crime victims receive financial compensation from criminal offenders. At the same time, the Board remains committed to strengthening relationships with its constituents and improving its business operations. Through the collaborative efforts of our staff and partners, we look forward to meeting the challenges associated with providing assistance to California's crime victims. By easing the financial burden that many crime victims must bear, the Board's programs make it possible for victims to focus on healing the physical and emotional injuries associated with criminal acts.

***CLIFF ALLENBY***, *Interim Director, Department of General Services and Chairman*

***KATHLEEN CONNELL***, *State Controller and Board Member*

***BENNIE O'BRIEN***, *Public Board Member*

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## VISION



**T**he State Board of Control is recognized for its outstanding customer service in providing appropriate restitution for victims who are harmed by certain criminal or state government activity.

## MISSION



**T**he mission of the State Board of Control is to obtain restitution and provide qualified financial assistance to the victims of certain criminal or state government activities, in collaboration with other governmental agencies, advocates and service providers.

# **STATE BOARD OF CONTROL**

# OVERVIEW OF THE STATE BOARD OF CONTROL

## INTRODUCTION

The Board was created in 1911 to exercise general supervision over the business and financial affairs of the state and to audit claims against the state. During its history, the Board has functioned as an independent three-member administrative Board exercising quasi-judicial and quasi-legislative powers to protect the interest of the public. The growth of state government over the years has resulted in the transfer of many duties originally assigned to the Board to new agencies specifically created to accomplish those duties.

Today, the activities of the Board are largely devoted to the VOC Program, the Revenue Recovery and Compliance Program, and the Government Claims (GC) Program. In addition, the Board has jurisdiction over the administration of several state government regulatory programs that account for a negligible amount of the Board's overall budget and staff activities.

## MEMBERS

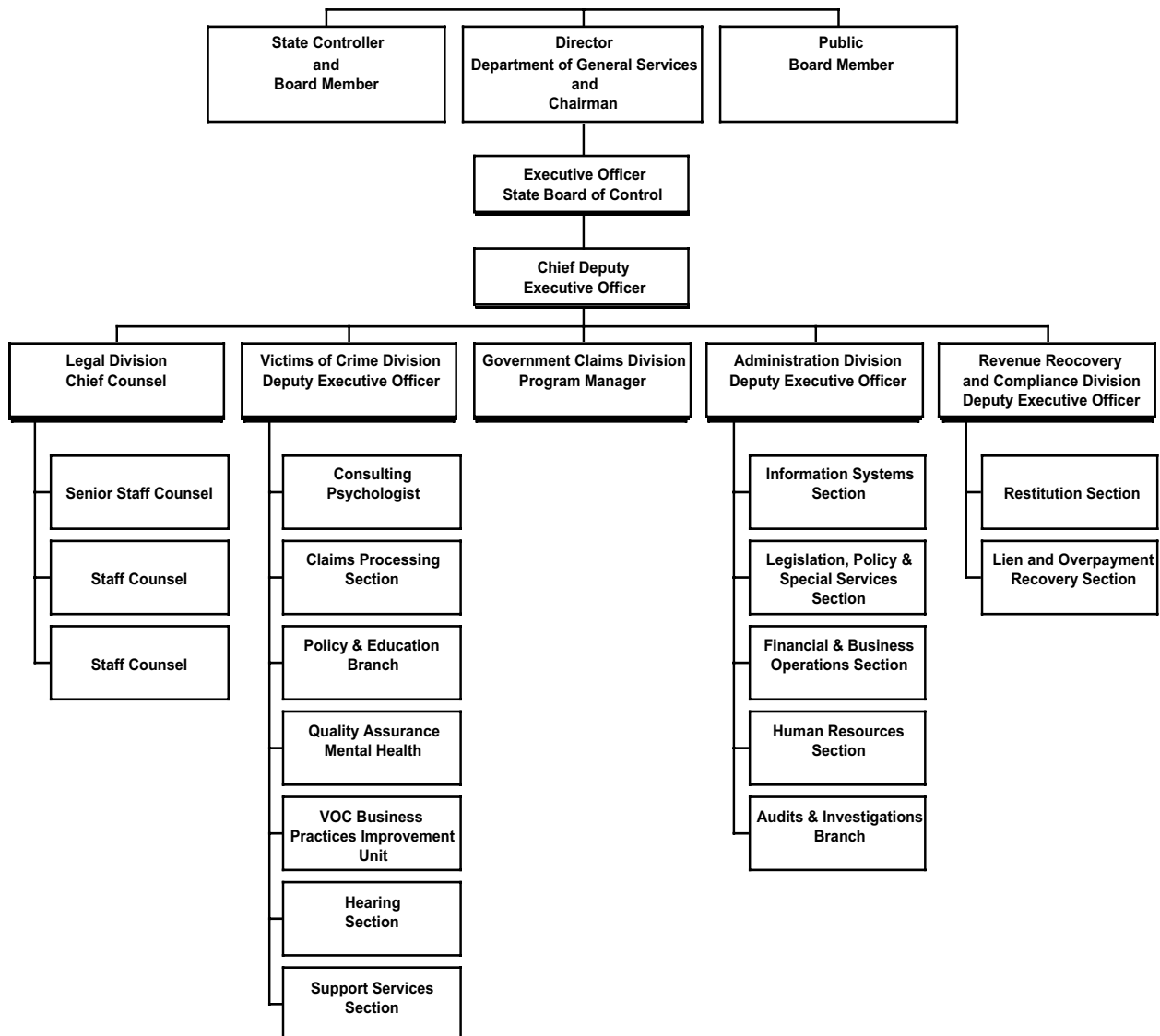
Pursuant to California law, the three-member Board is comprised of the Director of the Department of General Services as Chairman, the State Controller as a member, and a public member appointed by the Governor. During Fiscal Year (FY) 1997-98, the Board members were Peter G. Stamison, Director, Department of General Services and Chairman; Kathleen Connell, State Controller; and Bennie O'Brien, Public Member.

## EXECUTIVE OFFICER AND STAFF

The day-to-day operations of the Board are administered by the Executive Officer who is appointed by and serves at the pleasure of the Board members. The Executive Officer has the authority to execute those statutory duties and responsibilities as may be delegated by the Board. The Board's staff includes the Executive Officer; the Chief Deputy Executive Officer; the Chief Counsel, who is the Board's legal advisor; and the Deputy Executive Directors, managers, and staff in four operational divisions (Victims of Crime, Revenue Recovery and Compliance, Government Claims, and Administration) who are responsible for the processing of applications, certification of claims for payment, revenue recovery and enhancement, and the performance of other administrative duties under the direction of the Board.

# STATE BOARD OF CONTROL ORGANIZATIONAL CHART

## THE THREE-MEMBER BOARD OF CONTROL



# VICTIMS OF CRIME DIVISION

**T**he Board administers the VOC Program through the VOC Division. The VOC Program was the first victims' compensation program established in the United States (1965) and reimburses eligible victims for certain expenses incurred as a direct result of a crime for which no other source of reimbursement is available. Reimbursable expenses include medical/dental, mental health counseling, wage and support loss, job retraining, and funeral/burial.

## BASIC ELIGIBILITY

"I think the Victims of Crime Program is the best program that the State of California supports. Keep up the good work."


(Anonymous Victim)

The VOC Program provides compensation for eligible expenses to victims who are physically injured or threatened with physical injury as a result of a crime. Specific members of the victim's family or other persons who live(d) with the victim may also qualify for certain assistance such as loss of support (in the case of death or disability) and mental health counseling. Individuals who assume the obligation of paying the medical or funeral/burial expenses of a deceased victim may apply for reimbursement of those expenses. A victim who is a California resident may apply for benefits even if the crime occurred while the victim was outside of California. Nonresidents of California may also apply for benefits if the crime occurred while the nonresident was in California. In addition, the crime must be reported promptly to the police, sheriff, highway patrol or other appropriate law enforcement agency. The victim/claimant must cooperate with law enforcement in the investigation and prosecution of any suspect and with Board staff in the verification of the claim.

## APPLICATION REVIEW PROCESS

After receiving an application and related documentation, including a complete crime report, VOC Program staff review the information to determine if the crime, the victim, and/or the claimant are eligible for benefits. This involves verifying all the information presented in the application. Witnesses to the crime, law enforcement officials involved in the investigation and prosecution of the crime, physicians, counselors, hospitals, and employers may be contacted for verification of the injuries, losses, and expenses incurred as a result of the crime.

Upon completion of the application review process, staff submits a written report and recommendation to the three-member Board that the application be approved or denied. Staff recommendations regarding reimbursement of claimed expenses may be made either at the time of the initial recommendation on eligibility or after additional verification. The claimant/representative is notified by mail of staff's recommendation. If the claimant/representative agrees with the recommendation, the Board will take the recommended action.



If VOC Program staff makes a recommendation with which the claimant/applicant disagrees, the claimant/representative has the right under the law to request that the staff recommendation be discussed by the Board at a public hearing. If the outcome of the discussion hearing is not satisfactory, the claimant/representative may request the Board to reconsider its decision. The claimant/representative must notify the Board of the reason for his/her disagreement and provide additional information in this reconsideration process. Finally, if the claimant/representative does not agree with the outcome of the Board's final decision, an appeal may be made to Superior Court.

## **APPEAL RIGHTS**

Funding for the VOC Program comes from the Restitution Fund, which is continuously appropriated for the payment of claims. The Restitution Fund derives its revenue primarily from three sources: (1) court-ordered restitution fines and orders, (2) a portion of State Penalty Fund revenue received as a result of fines collected from violators of the state's criminal or traffic laws, and (3) the federal Victims of Crime Act (VOCA) grant given by the U.S. Office for Victims of Crime from the federal Crime Victims Fund.

## **VOC PROGRAM FUNDING**

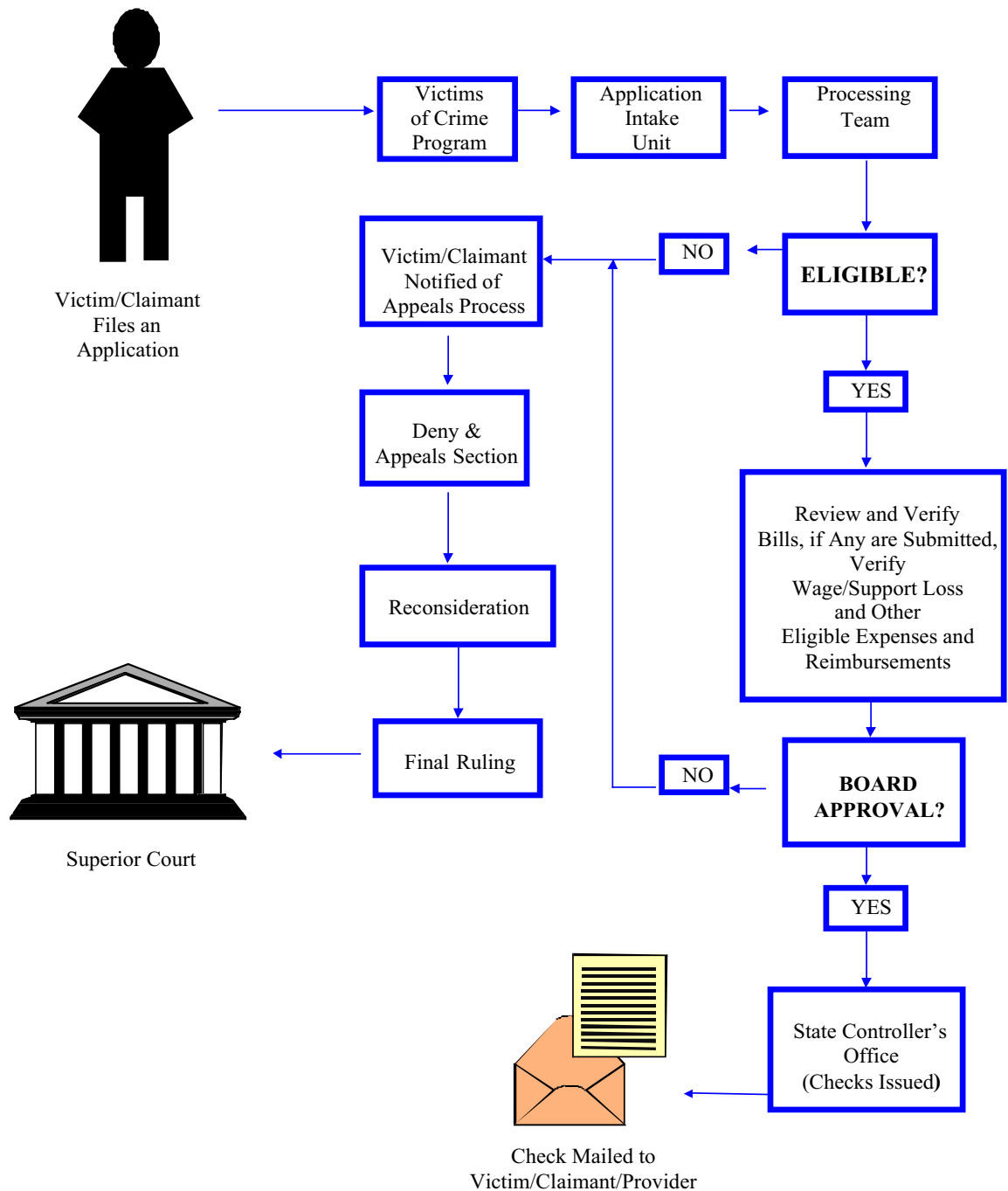
"I am writing to thank you, with all my heart, for helping me with medical bills following the hit and run bicycle crash. The entire ordeal has been softened by your kindness and professionalism."

(Anonymous Victim)

"I just wanted to thank all the Board members for helping me and my loved ones as we were going through a difficult time after the crime incident that occurred. Although the period of recovery was a slow process, I am thankful that I had the Victims of Crime Program along to help me ease some of my painful and burdensome experiences. Thank you for your support and financially helping with medical expenses."

(Anonymous Victim)

# VICTIMS OF CRIME PROGRAM

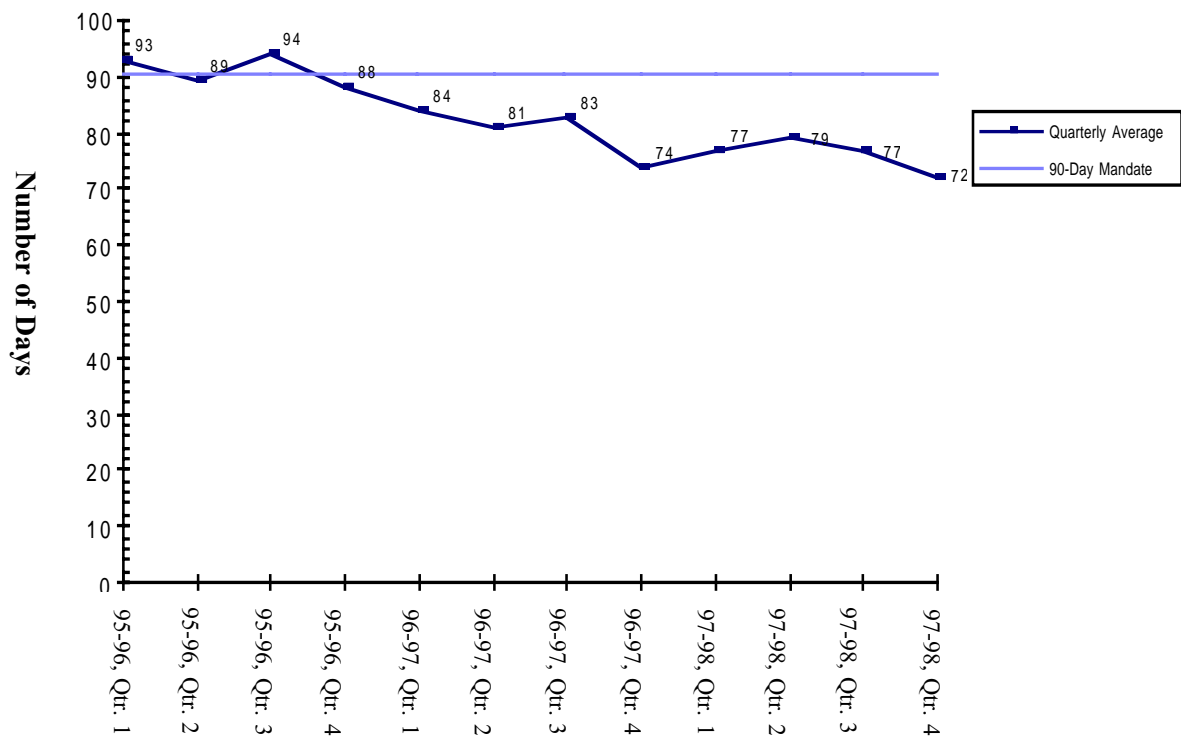




# VOC CLAIMS AND BILLS

## OVERALL AVERAGE PROCESSING TIME IN DAYS

### FISCAL QUARTERS 1995-96 THROUGH 1997-98



Source: Victims of Crime Monthly Status Reports to the Legislature

## VOC CLAIMS FY 1997-98

### APPROVED CLAIMS

Number	Percent
36,870	87.0%

### DENIED CLAIMS

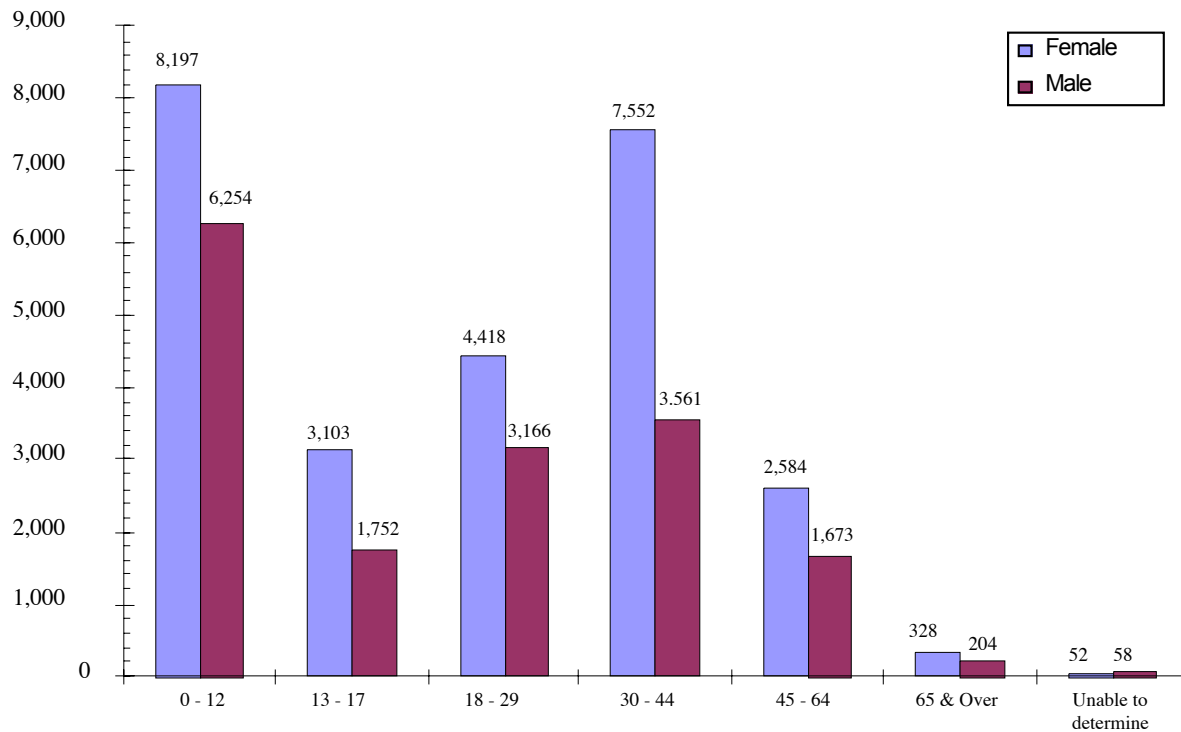
REASON	NUMBER	% OF ALL DENIED CLAIMS	% OF ALL CLAIMS PROCESSED
Lack of Evidence of a Crime	1,613	29.3%	3.8%
Lack of Cooperation with Law Enforcement	861	15.7	2.0
Applicant/Claimant Involvement in Crime	803	14.6	1.9
Ineligible Late Claim	716	13.0	1.7
Not a Covered Crime	533	9.7	1.3
Ineligible Applicant/Claimant	389	7.1	0.9
Not a California Resident	37	0.7	0.1
Previous Board Decision Rescinded	19	0.3	0.0
Felon Status of Applicant	13	0.2	0.0
Insufficient Information Provided (Emergency Award)	5	0.1	0.0
Miscellaneous	512	9.3	1.2
<b>TOTAL</b>	<b>5,501</b>	<b>100.0%</b>	<b>12.9%</b>

Source: Board of Control, Data Processing System

# VOC APPLICATIONS

## NUMBER RECEIVED BY AGE AND GENDER

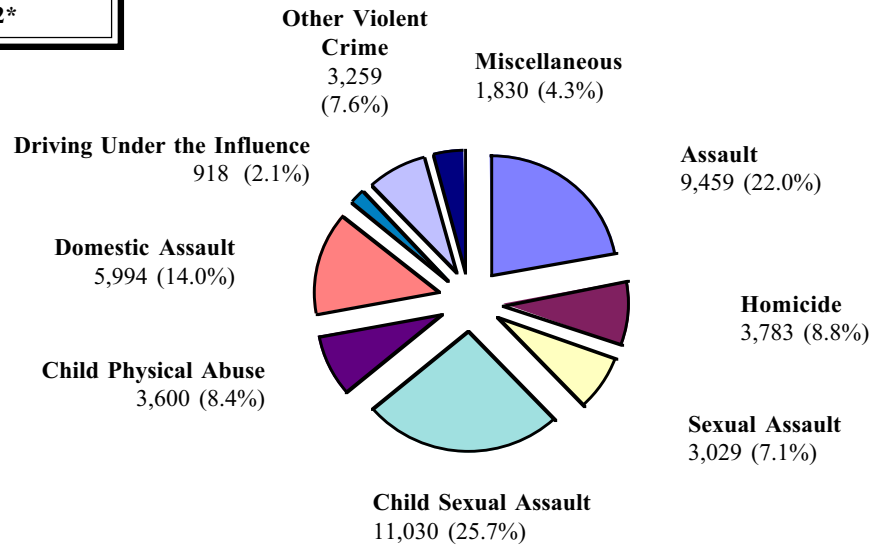
### FY 1997-98



Source: Board of Control, Data Processing System

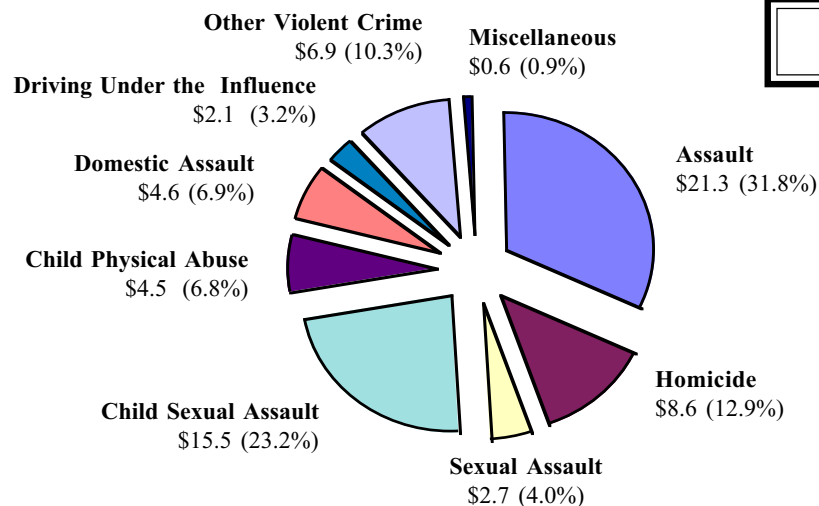
## VOC APPLICATIONS RECEIVED BY CRIME CATEGORY FY 1997-98

**Total Applications**  
**42,902\***



\*Includes Emergency Award Applications

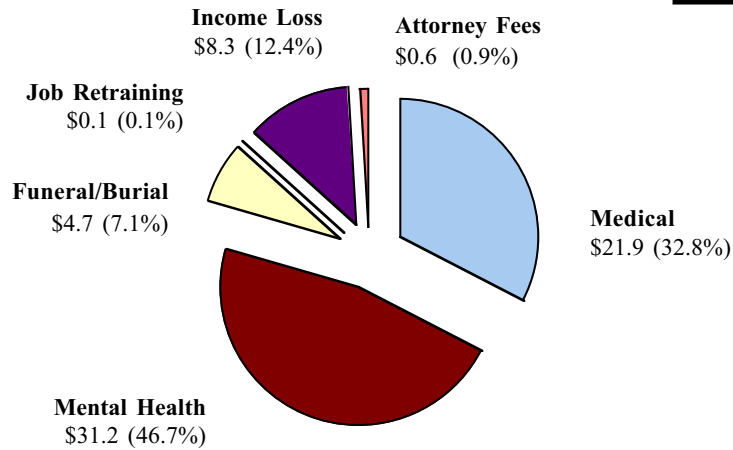
## TOTAL DOLLARS PAID BY CRIME CATEGORY (In Millions) FY 1997-98



**Total Dollars**  
**\$66.8 Million**

Sources: Board of Control, Administration Division and Data Processing System

**DOLLARS PAID BY EXPENSE CATEGORY**  
**(In Millions)**  
**FY 1997-98**



**Total Dollars**  
**\$66.8 Million**

*Sources: Board of Control, Data Processing System; Governor's Budget*

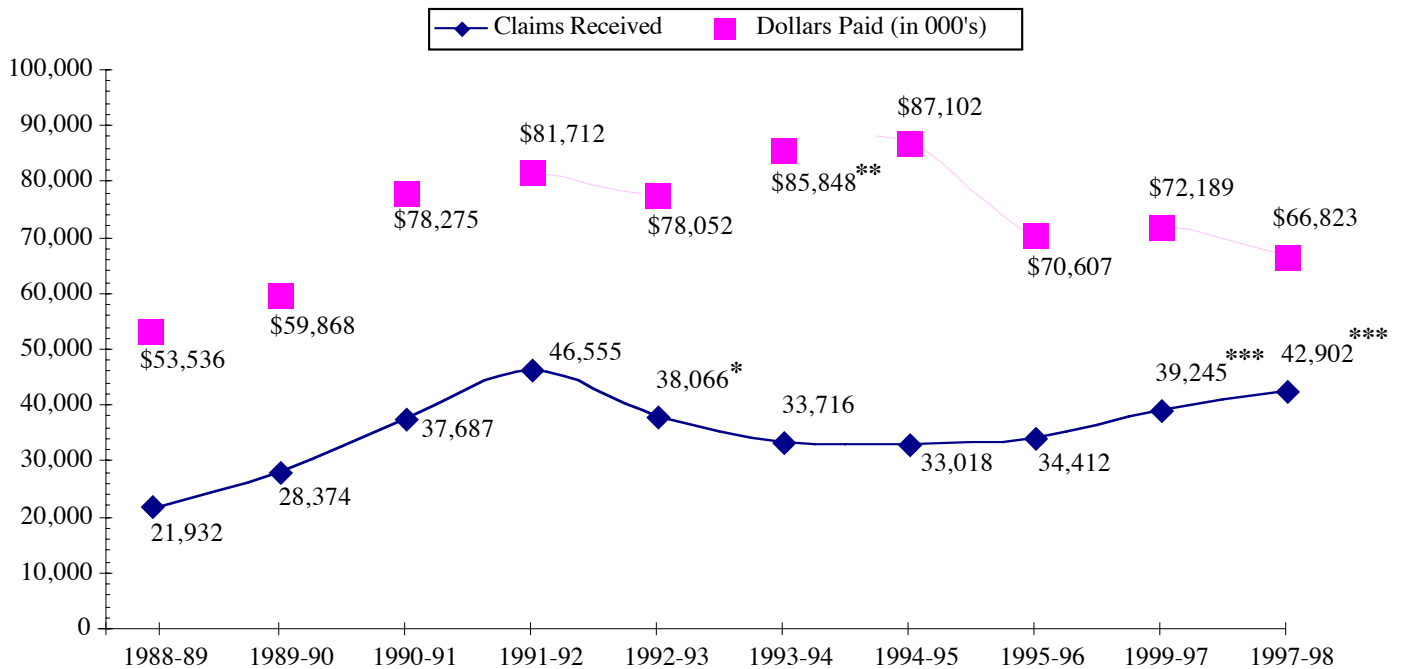
## VOC APPLICATIONS BY COUNTY FY 1997-98

County	Total Applications Received		Payments for Claims		Reimbursements to Restitution Fund	
	Number	Percent	Amount	Percent	Revenue	Percent
Alameda	2,157	5.03%	\$3,662,280	5.48%	\$2,458,390	2.77%
Alpine	3	0.01%	1,217	0.00%	34,736	0.04%
Amador	64	0.15%	91,341	0.14%	109,153	0.12%
Butte	545	1.27%	400,081	0.60%	501,954	0.57%
Calaveras	51	0.12%	66,902	0.10%	116,689	0.13%
Colusa	87	0.20%	23,906	0.04%	104,076	0.12%
Contra Costa	933	2.17%	1,585,155	2.37%	1,564,281	1.76%
Del Norte	77	0.18%	38,118	0.06%	97,377	0.11%
El Dorado	418	0.97%	425,224	0.64%	393,828	0.44%
Fresno	534	1.24%	679,282	1.02%	1,467,969	1.65%
Glenn	122	0.28%	74,723	0.11%	112,544	0.13%
Humboldt	430	1.00%	330,504	0.49%	327,729	0.37%
Imperial	78	0.18%	181,667	0.27%	560,157	0.63%
Inyo	49	0.11%	67,078	0.10%	171,231	0.19%
Kern	632	1.47%	448,810	0.67%	1,973,277	2.22%
Kings	322	0.75%	93,185	0.14%	444,528	0.50%
Lake	223	0.52%	185,587	0.28%	146,944	0.17%
Lassen	22	0.05%	30,582	0.05%	92,759	0.10%
Los Angeles	10,217	28.17%	22,761,952	34.06%	25,740,654	28.98%
Madera	197	0.46%	94,494	0.14%	368,317	0.41%
Marin	161	0.38%	318,885	0.48%	829,199	0.93%
Mariposa	35	0.08%	68,688	0.10%	37,401	0.04%
Mendocino	354	0.83%	277,781	0.42%	316,154	0.36%
Merced	348	0.81%	298,254	0.45%	847,301	0.95%
Modoc	2	0.00%	33,361	0.05%	30,236	0.03%
Mono	13	0.03%	25,173	0.04%	75,734	0.09%
Monterey	507	1.18%	619,447	0.93%	1,520,563	1.71%
Napa	259	0.60%	343,236	0.51%	474,988	0.53%
Nevada	106	0.25%	177,798	0.27%	331,795	0.37%
Orange	1,925	4.49%	2,893,410	4.33%	8,793,946	9.90%
Placer	492	1.15%	557,963	0.83%	648,365	0.73%
Plumas	5	0.01%	11,743	0.02%	77,086	0.09%
Riverside	1,746	4.07%	2,280,989	3.41%	4,326,272	4.87%
Sacramento	2,034	4.74%	2,715,846	4.06%	2,655,863	2.99%
San Benito	61	0.14%	45,056	0.07%	91,052	0.10%
San Bernardino	1,920	4.48%	3,039,246	4.55%	4,085,880	4.60%
San Diego	3,057	7.13%	5,719,248	8.56%	6,736,016	7.58%
San Francisco	1,168	2.72%	2,041,845	3.06%	610,681	0.69%
San Joaquin	1,040	2.42%	1,152,681	1.72%	1,329,147	1.50%
San Luis Obispo	739	1.72%	585,727	0.88%	938,578	1.06%
San Mateo	728	1.70%	1,103,363	1.65%	1,763,607	1.99%
Santa Barbara	439	1.02%	738,433	1.11%	2,002,455	2.25%
Santa Clara	2,251	5.25%	3,223,797	4.82%	5,142,133	5.79%
Santa Cruz	763	1.78%	782,150	1.17%	871,412	0.98%
Shasta	498	1.16%	588,443	0.88%	472,187	0.53%
Sierra	6	0.01%	6,742	0.01%	13,674	0.02%
Siskiyou	64	0.15%	83,398	0.12%	205,057	0.23%
Solano	628	1.46%	857,171	1.28%	863,981	0.97%
Sonoma	951	2.22%	1,344,677	2.01%	970,220	1.09%
Stanislaus	879	2.05%	813,283	1.22%	814,517	0.92%
Sutter	269	0.63%	123,818	0.19%	235,216	0.26%
Tehama	102	0.24%	170,511	0.26%	233,629	0.26%
Trinity	45	0.10%	29,595	0.04%	62,873	0.07%
Tulare	356	0.83%	470,608	0.70%	1,345,274	1.51%
Tuolumne	88	0.21%	85,380	0.13%	226,143	0.25%
Ventura	742	1.73%	1,071,910	1.60%	1,524,975	1.72%
Yolo	188	0.44%	336,729	0.50%	293,230	0.33%
Yuba	284	0.66%	202,421	0.30%	129,354	0.15%
Unknown	488	1.14%	342,110	0.51%	124,212	0.14%
TOTALS	42,902*	100.00%	\$66,823,000	100.00%	\$88,837,000	100.00%

\*Includes Emergency Award Applications

Sources: Board of Control, Data Processing System; Governor's Budget

## VOC APPLICATIONS TOTAL RECEIVED/TOTAL DOLLARS PAID FY 1988-89 through FY 1997-98



\* Upon the conclusion of FY 1991-92, the Board's County Joint Powers Agreements were modified to discourage the filing of "Companion" or "Eligibility Only" claims.

\*\* Note: \$8,419,000 approved in FY 1992-93 was paid in FY 1993-94. Figures shown reflect payments approved during the applicable fiscal year.

\*\*\* Includes Emergency Award Applications.

Sources: Board of Control 1996-97 Annual Report and Data Processing System; Governor's Budget

**STATE-PAID VOC COMPENSATION  
AND 1997 VOCA AWARD\***  
(In Millions)

STATE*	FY 1995				1997	
	POPULATION Number	Percent	COMPENSATION Amount	Percent	VOCA AWARD Amount	Percent
<b>California</b>	<b>31.6</b>	<b>11.8%</b>	<b>\$ 63.7</b>	<b>34.3%</b>	<b>\$ 25.5</b>	<b>34.4%</b>
New York	18.1	6.8%	8.4	4.5%	3.4	<b>4.6%</b>
Texas	18.7	7.0%	16.0	8.6%	6.4	<b>8.6%</b>
Florida	14.2	5.3%	14.4	7.8%	5.8	<b>7.8%</b>
Pennsylvania	12.1	4.5%	3.3	1.8%	1.3	<b>1.8%</b>
Illinois	11.8	4.4%	6.0	3.2%	2.4	<b>3.2%</b>
Ohio	11.2	4.2%	10.0	5.4%	4.0	<b>5.4%</b>
All Others	149.1	56.0%	63.7	34.4%	25.4	<b>34.2%</b>
<b>TOTAL</b>	<b>266.8</b>	<b>100.0%</b>	<b>\$185.5</b>	<b>100.0%</b>	<b>\$ 74.2</b>	<b>100.0%</b>

\*VOCA information based on two years prior.

Selected states based on 1995 population.

Sources: U.S. Department of Justice; U.S. Bureau of Census

# Joint Powers Agreement Counties

## FY 1997-98

The counties (shaded on map) verified VOC claims for the Board through Joint Powers Agreements.



# REVENUE RECOVERY AND COMPLIANCE DIVISION

"On behalf of the Imperial County Probation Department, I would like to thank you for making restitution workshops available through your branch. On April 29, 1998, your staff provided a four-hour training to Probation, Victim/Witness, and Municipal Court staff. I believe everyone left with a good understanding of the function of the State Board of Control, the Victims of Crime Program, and restitution fines/orders, legislation and case law."

(Anonymous)

The Revenue Recovery and Compliance Division (RRCD) serves victims of crime in California by maintaining the fiscal stability of the Restitution Fund through the recovery of monies owed from overpayments made by the VOC Program, liens filed on civil suits and workers' compensation cases, and restitution fines and orders. The Division's primary emphasis is to inform and educate the criminal justice community (the judiciary, district attorneys, chief probation officers, and court administrators) on the importance of the consistent imposition and collection of restitution fines and orders. It is also responsible for coordinating restitution-related activities at the state level with the Youth and Adult Correctional Agency, the Attorney General's Office, and the Franchise Tax Board.

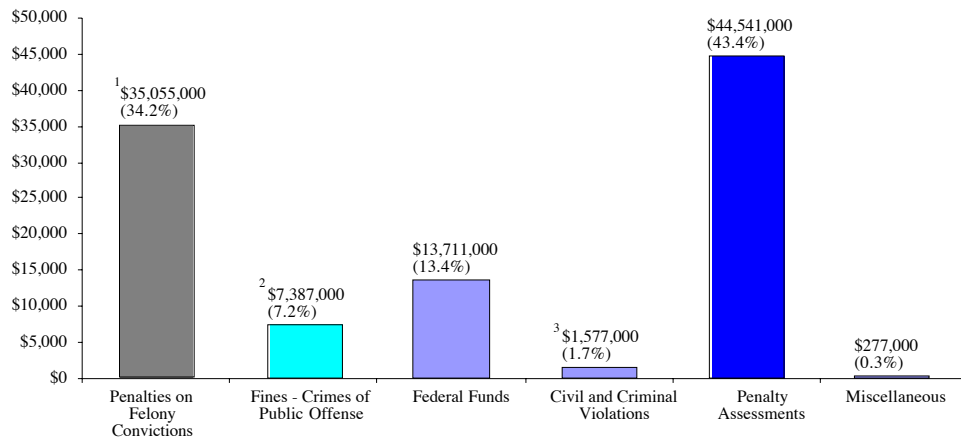
"I've been making numerous long distance phone calls all week long, trying to get my son a transfer out of the state. I've talked to everyone from parole officers to public defenders and was basically told no one had the time for me. When I made a call to [VOC staff], just to find out how much my son owed in restitution fines, he not only helped me with finding out how much my son owed on his restitution fines, but also took the time to help with my problems and concerns, and was so patient, caring and kind. You should be very thankful you have him as part of your staff. Thank you from the bottom of my heart."

(Anonymous Victim)

## VOC PROGRAM GROSS REVENUE SOURCES FY 1997-98

**Total Revenue**  
**\$102,548,000**

Dollars in Millions



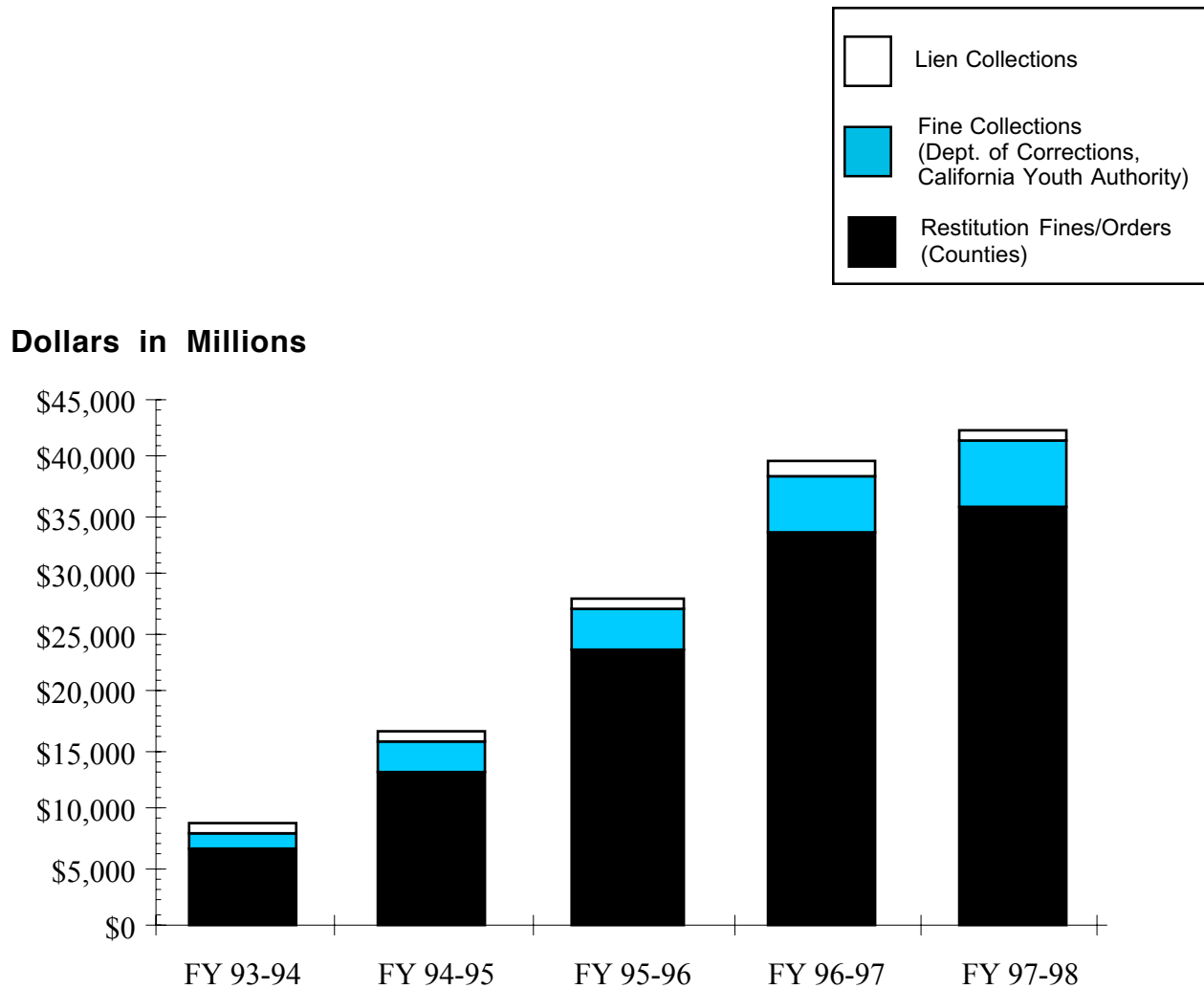
<sup>1</sup>Includes restitution fines and orders, collections of inmates' wages by the California Youth Authority (CYA), and the Children's Trust (AB 931) that flows through the Restitution Fund (RF).

<sup>2</sup>Includes lien recoveries, restitution orders from defendants that are remitted directly to the RF and repayments by victims whose claims have been paid by the VOC Program, and the collections of inmates' wages and trust account deposits by the California Department of Corrections (CDC).

<sup>3</sup>Represents the first \$20 of fines collected for each "Driving Under the Influence" offense.

Source: Board of Control, Administration Division

## RESTITUTION FINES/ORDERS AND LIEN REVENUES FY 1993-94 through FY 1997-98



Source: Board of Control, Administration Division

## ADMINISTRATION DIVISION

The Administration Division provides support and direction to Board staff in response to the program goals established by the Board; serves as liaison between the Legislature and the Board; provides human resources, budget, legislative, audit, information technology, and business services to all programs under the Board's jurisdiction; and acts on behalf of the Board as specifically delegated.

## LEGAL DIVISION

The Legal Division was created to facilitate the work of the Board of Control and each of its programs by providing ongoing legal review and assistance.

The Legal Division:

- Assists the Board members in effectively performing their duties and implementing policy decisions in a manner that is in compliance with statutes and regulations and that will withstand legal challenge.
- Provides accessible legal counsel to executive and management staff of the Board to facilitate the administration of their programs. Legal counsel is provided proactively, alerting staff to legal issues that should be considered, while, as much as possible, assisting staff to use the law to enable them to accomplish program goals rather than be an obstacle to those goals.
- Ensures that the Board is effectively represented in litigation, whether the Board is represented by the Attorney General, house counsel, or private counsel.

"I have received the notification that our claim has been recommended for the Board's consent agenda. I really appreciate the help you personally gave to me and my staff in our attempts to recover the funds."

(Anonymous)

# GOVERNMENT CLAIMS DIVISION

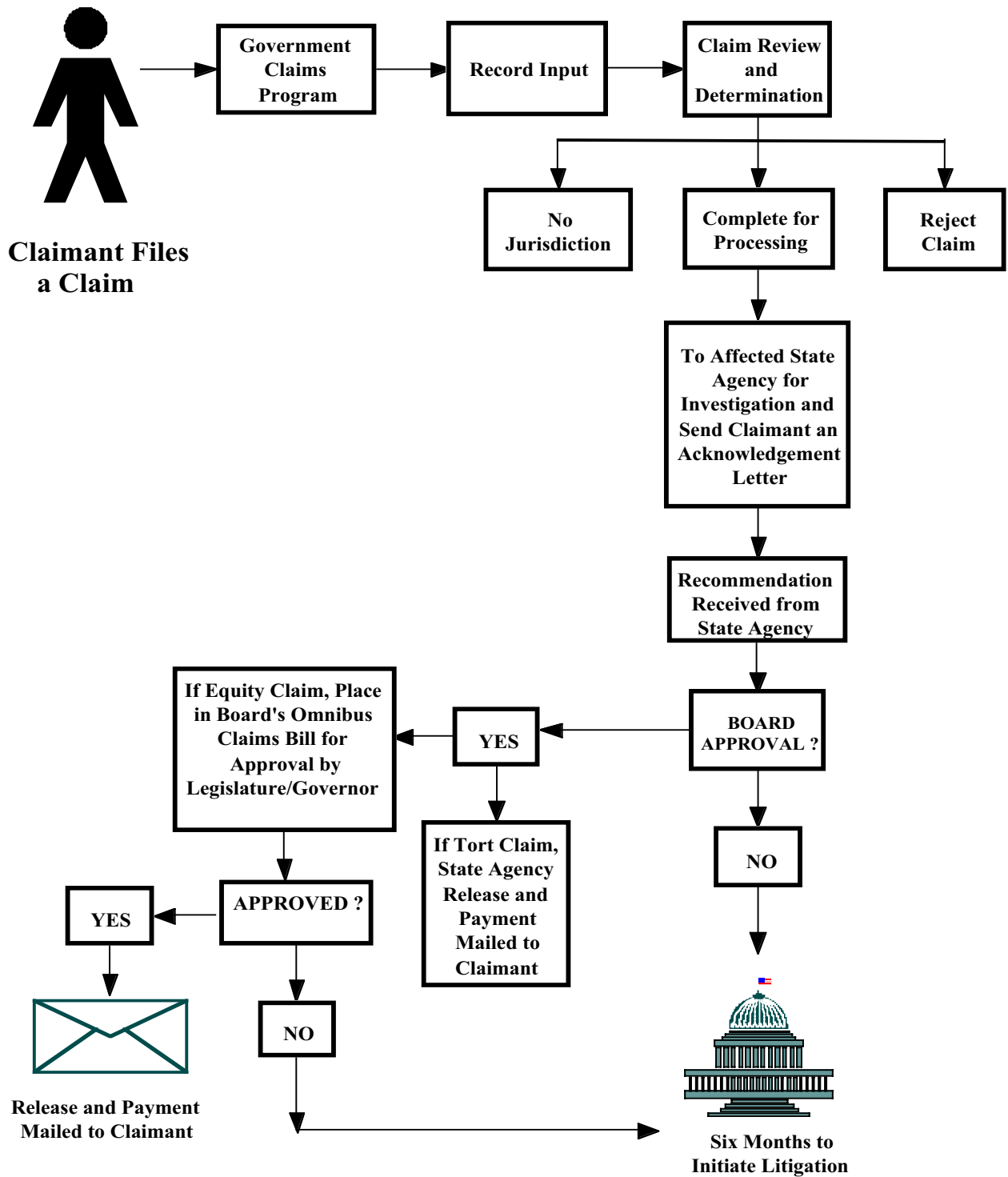
The GC Program is administered through the GC Division whose primary function is to receive and process all civil claims for money or damages filed against the state and to present claim recommendations to the Board regarding potential claim settlements.

The GC Program handles two general types of claims involving state agencies: tort claims, for which the state has a statutory liability; and equity claims, for which no statutory liability exists. However, the GC Program does not generally pursue settlements in tort claims that raise complex issues of fact and law and exceed \$50,000 in claimed damages and usually rejects such claims within 45 days from receipt. Claimants in these cases are notified that their claims should be resolved through formal legal action. For equity claims that are allowed, the Board requests the Legislature to provide funding and payment authority for these claims. These requests are transmitted to the Legislature in two annual omnibus claims bills, each of which typically contains proposed appropriations to fund the payment of several hundred claims.

"I wish to commend you and your staff for your expertise and professionalism related to the M-60A3 Main Battle Tank incident. Through your excellent coordination, the claims were resolved properly and expeditiously. The state Military Department and I are most appreciative of your efforts."

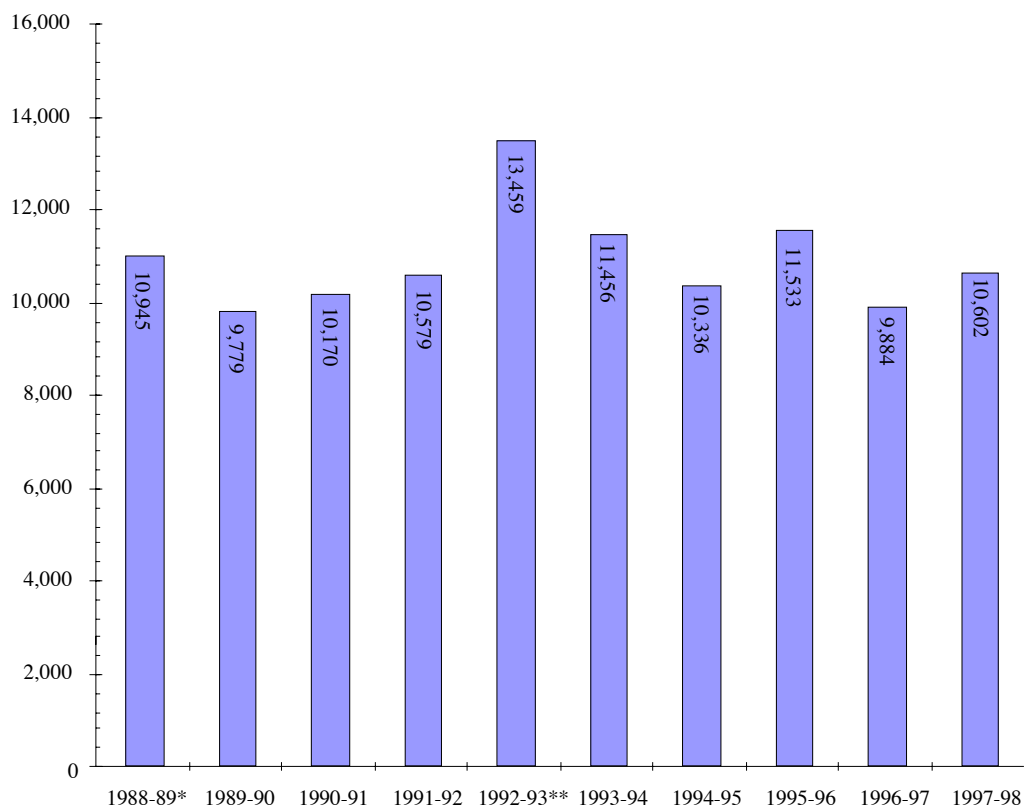
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## GOVERNMENT CLAIMS DIVISION



## CIVIL CLAIMS RECEIVED FY 1988-89 THROUGH FY 1997-98

### Civil Claims Received



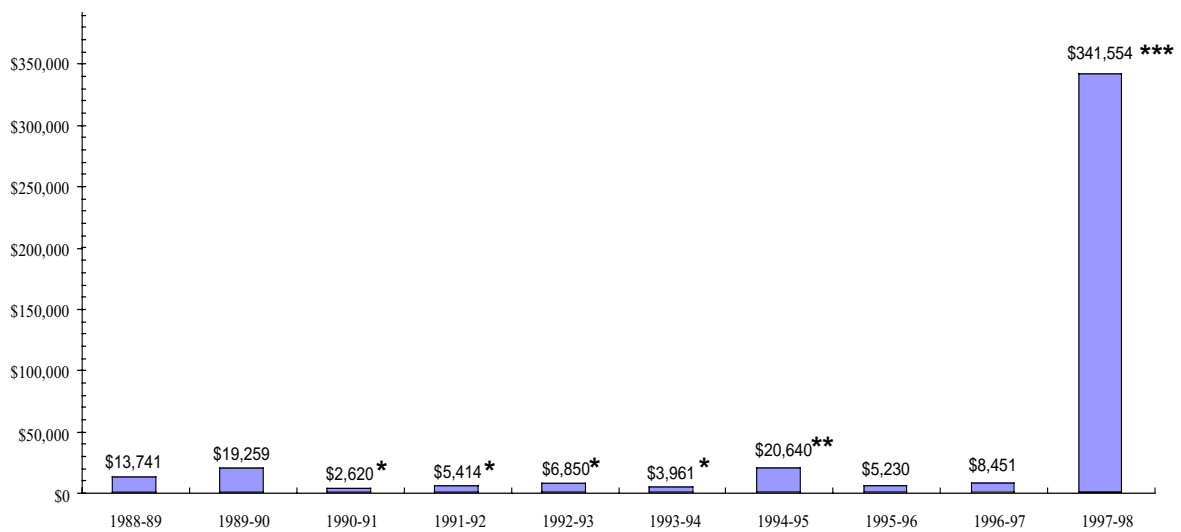
\* Reduction in the number of civil claims received was due largely to the enactment of legislation exempting Medi-Cal provider claims from the Board's jurisdiction and authorizing the Department of Transportation to settle and pay claims that do not exceed \$1,000 each without Board approval.

\*\*Includes approximately 2,000 claims related to the civil disturbance in Los Angeles County during April 1993.

Sources: Board of Control, Government Claims Division and Data Processing System

## TOTAL DOLLARS AWARDED FOR CIVIL CLAIMS PROCESSED FY 1988-89 through FY 1997-98

DOLLARS IN MILLIONS



- \* Prior to FY 1990-91, the Board sponsored four legislative claims bills each year. Two of the bills contained funding to pay judgments and settlements in cases for which the State Attorney General's (AG's) Office represented the state. The decline in dollars awarded after FY 1989-90 is primarily due to enacted legislation which transferred the sponsorship of these judgment/settlement claims bills from the Board to the AG's Office.
- \*\* Includes awards for claims processed under the Northridge Earthquake Stored Items Claims Program and the Special Elections Program.
- \*\*\* The increase in dollars awarded during FY 1997-98 was primarily due to payment of one claim by the California Public Employees' Retirement System for back interest earnings claimed in litigation amounting to \$307,578,922. The total also included awards amounting to \$2,359,730 for claims arising from damages to grape vineyards caused by an herbicide spray operation conducted by the Department of Transportation.

Sources: Board of Control, Government Claims Division and Data Processing System

## CIVIL CLAIMS PROCESSED

- Torts: Attorney General's Office/Department of Veterans' Affairs as Counsel
- Torts: Department of Transportation as Counsel
- Torts: Self-Insured State Assets (Primarily State Vehicles)
- State Agency Contracts and Procurement Violations
- Indemnity for Persons Erroneously Convicted and Subsequently Pardoned
- Reimbursement of State Funds
- Attorney Fees for Property Liability Litigation Under Civil Code Section 846.1
- Judgments, Settlements, and Attorney Fees
- Controller's Warrants, Agency Checks, and Treasurer's Bonds/Interest Coupons
- Refunds of Taxes, Penalties, Fees, and Deposits
- State Employee Compensation
- State Employee Personal Property Damage
- State Employee Travel, Relocation, and Moving Expenses
- State Inmate and Patient Personal Property Damage
- Miscellaneous Claims Programs


# STRATEGIC BUSINESS AND TECHNOLOGY PLANNING

The Board was in the forefront of California state agencies in the development of strategic business and technology plans. Recognizing that the creation of an organizational strategic plan was important for its future, the Board launched its first-ever strategic business planning effort in June 1994. The purpose was to enable the Board to better understand organizational strengths and challenges and to identify the priority issues for the next three to five years. In November 1994, after six months of data gathering, interviews, and extensive discussions by the Strategic Planning Committee, the Board published its 1994 Strategic Business Plan (SBP). The SBP included a new mission statement, a list of priority issues to be addressed in the next three to five years, and strategies associated with each priority issue.

The Board also recognized the need to maximize its use of information systems and technology to increase its efficiency and effectiveness. In response to this need, the Board undertook a separate planning process to develop goals, strategies, and performance measures related to information technology. Subsequent to the publication of the 1994 SBP, the Board also published its first-ever Information Technology Plan to help identify how technology could assist in implementing effective business strategies and achieving operational objectives.

During FY 1994-95, staff began implementation of the SBP to improve the quality and effectiveness of the Board's programs and operations. Specific strategies addressed related to: (1) ensuring the long-term availability of funding for the VOC Program; (2) streamlining the claims-verification process; (3) strengthening relationships with claimants and victims and their representatives, providers, victim advocacy groups, legislators, the criminal justice system, and other agencies; and (4) enhancing staff training, development, and recognition.

In May 1996, Board management began a process to update the 1994 SBP. At that time, a newly appointed Strategic Planning Committee began conducting a series of brainstorming sessions to further identify and examine the Board's business objectives and to evaluate the progress toward meeting the 1994 mission statement and strategies. The goal of this effort was to reach a better understanding among management, staff, and constituents regarding the Board's long-term mission and operational objectives.



During FYs 1996-97 and 1997-98, the Board made significant strides toward updating its 1994 SBP. The Strategic Planning Committee adopted new vision and mission statements. In addition, the Committee formulated and adopted four goals and their associated objectives and began developing action plans and performance measures. An independent consultant was also selected to help develop and implement the updated SBP.

The four goals adopted by the Board address the following areas:

- ✧ ***Effective Outreach, Training, and Communication***
- ✧ ***System Improvements***
- ✧ ***Consistent, Quality Decision Making***
- ✧ ***Sound Financial Planning***

The Board's major activities and accomplishments during FY 1997-98, which are directly linked to the goals identified above, are documented on the pages that follow.

## EFFECTIVE OUTREACH, TRAINING AND COMMUNICATION

**GOAL:** To inform as many victims as possible about compensation and assistance opportunities available to them, and to communicate effectively and sensitively with victims and groups that work with them or on their behalf.

The Board recognizes a highly successful outreach effort is critical in increasing the public awareness of its programs. By utilizing the tools, knowledge, personnel, and technology available, the Board continues to promote public awareness of the VOC Program and maintains active contact with claimants and victims, their representatives, the victim assistance community, healthcare professionals, legislators, the criminal justice system, and other state agencies. The Board also conducts outreach activities with state and county agencies to encourage criminal justice personnel to consistently impose and aggressively collect restitution fines and orders. The following highlights the Board's outreach activities during FY 1997-98 that directly contributed to the above goal. As noted below, these outreach activities are also consistent with the recommendations in the recent federal Office for Victims of Crime's (OVC) report entitled, "New Directions from the Field." (See Appendix)

- Enhanced the Board's Website with important up-to-date information on relevant program and legislative changes; program applications, forms and publications that can be downloaded; and announcements of new Board activities and upcoming events. Visit the Board's Website at [www.boc.ca.gov](http://www.boc.ca.gov). (Consistent with OVC's report, recommendation #7)
- Implemented a Constituent Feedback process to facilitate the continuous flow of information from external constituents to Board management regarding business practices and performance. (Consistent with OVC's report, recommendation #8)


### WEBSITE ENHANCEMENTS

### CONSTITUENT FEEDBACK PROCESS



## OUTREACH AND TRAINING ACTIVITIES

- Attended the ninth annual “Crime Victims’ March on the State Capitol” during the 1998 annual Victims’ Rights Week to increase public awareness concerning the impact of crime on its victims. (Consistent with OVC’s report, recommendation #7)
- Distributed over 100,000 victim awareness ribbons to the state’s elected officials, criminal justice and victim services agencies, and victims’ rights advocacy groups. (Consistent with OVC’s report, recommendation #7)
- Conducted training seminars with the state Office of Criminal Justice Planning for new and experienced victim advocates throughout California to provide information regarding various VOC Program benefit level changes, eligibility guidelines, procedures, and service excellence. (Consistent with OVC’s report, recommendation #7)
- Expanded outreach activities targeting law enforcement, schools, and fire departments. (Consistent with OVC’s report, recommendation #7)
- Developed for dissemination a media packet that contains important information about the Board’s VOC and Restitution Programs. (Consistent with OVC’s report, recommendation # 7)
- In conjunction with the California District Attorney’s Association (CDAA), developed and distributed the CDAA’s *Victims’ Rights Manual* to all district attorney’s staff and Victim/Witness Assistance Center staff throughout the state. This manual contains valuable information regarding victims’ rights in the criminal justice process. (Consistent with OVC’s report, recommendations #7 and #9)
- Conducted quarterly meetings of the Restitution Committee whose members are comprised of representatives from various criminal justice entities and associations. These meetings provided a forum for members to discuss restitution and victims’ issues that affect the criminal justice system while formulating important restitution policy. (Consistent with OVC’s report, recommendations #7 and #8)
- Maintained active contacts with criminal justice personnel, legislators, and other state agencies through the quarterly distribution of approximately 6,000 copies of the newsletter, *Restitution Review*. The newsletter provides valuable information about restitution statutes, the VOC Program, and related items in the restitution arena. (Consistent with OVC’s report, recommendation #9)

- 
- Periodically distributed printed information to all judges, district attorneys, chief probation officers, court administrators, and Victim/Witness Assistance Centers regarding VOC Program funding updates, restitution statutes, and requests to the counties for their continued assistance in consistently imposing and collecting restitution fines and orders. This undertaking represents an integral method of maintaining communication between the Board and various county criminal justice agencies. (Consistent with OVC's report, recommendation #9)
  - Conducted numerous restitution training workshops with judges, district attorneys, probation officers, and court clerks. Probation officers and deputy district attorneys attending the training workshops can receive credit toward their State Training Certification or Mandatory Continued Legal Education, respectively. (Consistent with OVC's report, recommendation #9)
  - With the approval of the Commission on Peace Officer Standards and Training (POST), initiated a pilot program to conduct outreach with various law enforcement agencies regarding their statutory obligation to notify victims of violent crimes about the existence of the VOC Program. The pilot includes training law enforcement agencies and assisting in the development of a video tape that POST will utilize for training purposes regarding this subject matter. (Consistent with OVC's report, recommendation #9)
  - In collaboration with the California Youth and Adult Correctional Agency, established and presented the first annual "Governor's Restitution Award" to honor individuals who excel in providing restitution services to crime victims. (Consistent with OVC's report, recommendation #9)
  - Created in 1996, the Government Claims Advisory Committee is comprised of representatives from 12 state agencies and meets bimonthly to review the overall processing of claims filed against the state and makes suggestions for improved effectiveness.
  - The Government Claims Division conducted its third annual Claims Coordinators Workshop to provide an educational forum on the Division's claims resolution process for statewide claims coordinators.

"Thanks so much for taking the time to help our institution staff raise the awareness of both offenders and staff regarding victims' issues."

(Anonymous)

**GOVERNMENT  
CLAIMS ADVISORY  
COMMITTEE**

**CLAIMS  
COORDINATORS  
WORKSHOP**

# SYSTEM IMPROVEMENTS

**GOAL:** To provide quality service by processing applications expeditiously, accurately, and efficiently.

**T**he Board recognizes that to serve its clients well and to meet state mandates, it needs to constantly seek ways to improve the quality, productivity, and timeliness of the claims processing function. The items listed below summarize the Board's most noteworthy accomplishments that directly linked to this goal during FY 1997-98.

## STATUTORY COMPLIANCE OF CLAIMS PROCESSING TIME

- Achieved an overall average processing time of **76** days for all VOC Program regular applications and bills, which is 14 days below the statutory mandate of 90. The 76-day overall average represents an additional reduction of five days when compared to the record of 81-day overall average achieved in FY 1996-97. (Consistent with OVC's report, recommendation #1)

## GEOGRAPHICAL REORGANIZATION


- Reorganized VOC Program staff on a county or regional basis to provide more consistent treatment of claims and to establish improved rapport with claimants, the provider community, Victim/Witness Assistance Center staff, and law enforcement. (Consistent with OVC's report, recommendation #12)

## DIRECT SCHEDULING IN JOINT POWERS COUNTIES

- Improved services to victims by implementing "Direct Scheduling" in five additional county Joint Powers Centers (Placer, Shasta, San Luis Obispo, Santa Cruz, and Tulare). These counties are now authorized to make recommendations on the eligibility of claims and bills and set them on the Board's hearing agendas, resulting in quicker processing time for claims handled in these counties. Joint Powers refer to those 20 local Victim/Witness Assistance Centers under contracts with the Board to perform verification activities on claims received at these centers. (Consistent with OVC's report, recommendations #1 and #12)

## STANDARDS OF CARE TASK FORCE

- Initiated efforts to establish a Standards of Care Task Force to articulate a set of mental health treatment guidelines for clinical intervention in cases of childhood trauma and to provide guidance for treatment providers and VOC Program staff. (Consistent with OVC's report, recommendation #2)

- 
- Developed a new Government Claim application that includes easy-to-follow instructions. The booklet was designed to simplify the claims filing process for claimants by consolidating and expanding upon the previously separate Tort and Equity Claims forms.

## **NEW GOVERNMENT CLAIM APPLICATION**

- Staff initiated joint application development sessions to develop user requirements for software design of a new computer system within the Government Claims Division to process and track claims more efficiently. The development of the new system will address Y2K compliance and replace the current automated data processing system with an application to better serve the business needs of the division.

## **NEW GOVERNMENT CLAIMS COMPUTER SYSTEM**

- Continued with the Board's ongoing effort to grant delegated authority to state agencies to settle and pay or reject tort claims not exceeding \$1,000 per claim pursuant to Government Code section 935.6. Both the Departments of Consumer Affairs and Motor Vehicles were granted this delegation of authority during FY 1997-98, which has substantially reduced the time for resolving claims at these two departments. (The Department of General Services and the California Highway Patrol are the other two agencies that have been granted this delegated authority since FY 1996-97.)

## **DELEGATED AUTHORITY**

# CONSISTENT, QUALITY DECISION MAKING

**GOAL:** To make fair and consistent decisions on all applications in accordance with statutory requirements and to provide due process to applicants on disputed matters.

**T**he Board believes staff access to current and consistent policies, procedures, and guidelines is critical to the timely conduct of the Board's work. Below is a summary of the Board's efforts pertaining to this goal during FY 1997-98.

## REVISED DOMESTIC VIOLENCE GUIDELINES

- Developed and adopted revised Domestic Violence Guidelines that permit children who witness domestic violence to qualify as direct victims and receive a maximum of \$10,000 for mental health treatment expenses. The Domestic Violence Guidelines were initially adopted in FY 1996-97 to provide guidelines for staff to follow in processing VOC Program claims based on domestic violence. (Consistent with OVC's report, recommendations #2, #3, and #12)

## REVOLVING FUNERAL/BURIAL FUND


- Established a revolving fund, on a pilot basis, that allows county Victim/Witness Assistance Centers to provide immediate payment of a victim's funeral/burial expenses. Once the county pays the expenses, a regular application is then processed and the Board reimburses the county revolving fund account with monies from the Restitution Fund. The Board plans to expand this program in FY 1998-99. (Consistent with OVC's report, recommendations #1, #3, and #12)

## VEHICLE PURCHASE POLICY

- Adopted a proposal to purchase vehicles for disabled victims of crime in those situations where the purchase is deemed a medical necessity and supporting documentation is provided by the victim's physician. (Consistent with OVC's report, recommendation #4)

## GUIDELINES: APPEARANCES BEFORE THE BOARD

- Initiated the development of tentative guidelines that offer fair opportunity for Government Claims claimants to present their claims at Board hearings and to maximize the use of time by the Board. The tentative guidelines limit appearances on late claim applications to claims under \$5,000 and allow claimants to submit additional information to support their requests for appearances before the Board. A six-month pilot program will be established during FY 1998-99 to evaluate the effectiveness of the tentative guidelines before adopting them permanently.

- 
- The Administration Division's Audits and Investigations Branch (AIB) staff, in conjunction with VOC program staff, developed and implemented the Quality Review Checklist (QRC). The QRC is used as the VOC Program's standard pre-review document and was developed to standardize supervisory review of claims, increase the quality of completed claims, ensure that a known level of control over the claims review process is in place, and minimize the risk that inappropriate eligibility decisions and payments are made. (Consistent with OVC's report, recommendation #1 and #12)

## **QUALITY REVIEW CHECKLIST**

# SOUND FINANCIAL PLANNING

**GOAL:** Ensure sufficient resources are available to financially support Program goals and objectives and the criminal justice infrastructure with regard to the assessment and collection of restitution fines and orders.

One of the most important goals of RRCD is to serve California crime victims by maintaining the integrity of the Restitution Fund. To accomplish this, RRCD tracks, monitors, and collects monies owed to the Restitution Fund as a result of restitution, overpayments, and liens. Through RRCD's collaborative activities with several county and state agencies, the Board has been successful in supporting this goal in FY 1997-98 with the ongoing or new activities described below.

## CRIMINAL RESTITUTION COMPACTS

- Continued to administer contracts within six district attorney's offices and six probation departments to fund a county representative within each. The representatives assist with monitoring and obtaining criminal dispositions for offenders tied to VOC Program claims. Statistics gathered reflect that when a representative is involved in monitoring the case, restitution fines are imposed 83 percent of the time compared to estimates of approximately 50 percent in prior years before CRC involvement. The Board anticipates expanding to the remainder of the state by the end of FY 1999-00. (Consistent with OVC's report, recommendation #11)

## OVERPAYMENTS

- VOC Program claim overpayments represent another source of revenue for the Restitution Fund. Overpayments are collected via a series of collection letters, payment plans, and utilization of the Franchise Tax Board (FTB) Offset Program. In general, the Board collects approximately \$200,000 per year in overpayments. (Consistent with OVC's report, recommendation #11)

## TEN PERCENT REBATE PROGRAM

- Continued to administer the Ten Percent Rebate Program, which provides an incentive for the counties to collect restitution fines and orders owed to the Restitution Fund. During FY 1997-98, the counties remitted approximately \$38 million in restitution fines and orders revenue, which represents a 12 percent increase from the prior fiscal year. These collection efforts resulted in over \$3.8 million in rebates to participating counties. (Consistent with OVC's report, recommendation #18)

- Implemented a pilot program to work collaboratively with the FTB and Stanislaus County whereby Stanislaus County will turn over terminated probation cases with outstanding restitution fine obligations to the Board. In turn, the Board remits these cases to the FTB to continue collection of the monies owed to the Restitution Fund utilizing FTB's "Court Ordered Debt Collections" Program. In FY 1998-99, the Board anticipates expanding this program by increasing the number of participating counties and by collaborating with both the California Department of Corrections (CDC) and the California Department of the Youth Authority (CYA) in this effort. (Consistent with OVC's report, recommendation #11)
- Continued to collaborate with CDC's collection program from inmates through trust account interceptions and wage garnishment. During FY 1997-98, CDC collected approximately \$5.8 million in restitution fines from incarcerated offenders that was returned to the Restitution Fund and utilized to assist victims of crime. (Consistent with OVC's report, recommendation #11)
- Continued to act as the receiving agent for restitution payments owed to the Restitution Fund from CDC parolees requesting interstate travel pursuant to California Penal Code section 11177.2(a). This effort resulted in the remittance of approximately \$247,018 from 779 parolees during FY 1997-98. (Consistent with OVC's report, recommendation #11)
- CYA has also played an important role in increasing Restitution Fund revenue and holding the juvenile offender population accountable for its criminal activities. CYA's restitution program is similar to that of CDC and generated approximately \$236,215 in revenue to the Restitution Fund in FY 1997-98. The Board has further assisted in this area by funding two positions within CYA's Victim Services Office. (Consistent with OVC's report, recommendation #11)
- Pursuant to Government Code section 13966.01, the Board has a statutory lien on all recoveries by a victim from settlements, judgments, or awards as a result of the incident for which the victim received VOC Program benefits. During FY 1997-98, 555 new liens were filed and \$932,000 in revenue was generated from the collection of the Board's outstanding liens. (Consistent with OVC's report, recommendation #11)

## **FRANCHISE TAX BOARD PILOT PROJECT**

## **CALIFORNIA DEPARTMENT OF CORRECTIONS**

## **CDC PAROLEE COLLECTION PROGRAM**

## **CALIFORNIA YOUTH AUTHORITY**

## **LIENS**

# CRIMINAL RESTITUTION COMPACTS FY 97-98

The following counties have Criminal Restitution  
Compacts (CRC) with the State Board of Control:

Lake  
Monterey  
Napa  
Sacramento  
San Bernardino

San Diego  
Shasta  
Solano  
Sonoma  
Stanislaus



## LEGISLATION AFFECTING BOARD PROGRAMS

**A**sssembly Bill (AB) 856 (Statutes of 1997, Chapter 507) establishes the Witness Protection (WP) Program and appropriates \$3 million from the Restitution Fund to the AG's Office for the administration of this program. The WP Program provides for the relocation or other protection of a witness in a criminal proceeding where there is credible evidence that witnesses may suffer intimidation or retaliatory violence. Family, friends, or associates of the witness who may be endangered may also be eligible for the program. The measure does not prevent witnesses from receiving services under both the WP Program and the VOC Program.

### **AB 856**

The amount to be appropriated from the Restitution Fund in future years will depend on the needs of the WP Program. This measure specifies that the appropriation must be from funds in excess of what is needed to pay VOC Program claims and to maintain a prudent reserve.

AB 1132 (Statutes of 1997, Chapter 266) requires that any monetary damages awarded to a prisoner or ward in connection with a civil action brought against any federal, state, or local jail, prison, or correctional facility will be paid directly to satisfy any outstanding restitution orders or fines owed by the prisoner. The new law also provides that the Director of the CYA will deduct the balance owing on restitution fines or orders from trust account deposits of a ward up to 50 percent of the total amount held in trust. Amounts collected on restitution orders shall be transferred to the Board for direct payment to the victim or to the Restitution Fund to the extent the victim has received assistance from the VOC Program.

### **AB 1132**



# APPENDIX

## U.S. DEPARTMENT OF JUSTICE OFFICE FOR VICTIMS OF CRIME

### NEW DIRECTIONS FROM THE FIELD: VICTIMS' RIGHTS AND SERVICES FOR THE 21ST CENTURY


Most victim assistance programs including state victim compensation programs were initiated at the state level and were initially funded without federal assistance. In 1982, former President Ronald Reagan established a federal task force to examine what could be done from a federal perspective to aid victims' rights. This led to a landmark 1984 report, which made a number of recommendations regarding improvements in victims' rights throughout the country, including several involving victims' compensation. This task force also recommended that a federal office supporting victims' issues be established and federal financial support for victims' programs be initiated. Since 1984, many of the task force recommendations have been implemented in one form or another including the establishment of the federal OVC within the Department of Justice and the federal Crime Victims Fund, which now augments state funding for victim assistance and victim compensation programs. The federal Crime Victims Fund, which receives its revenues from fines levied against offenders of federal crimes, currently provides approximately 20 to 25 percent of the funding for state compensation programs and a greater percent of funding for state victim assistance programs.

Recently, OVC undertook an effort to review the progress made on victims' issues since the 1984 task force report and to update its recommendations. In June 1998, OVC issued a report entitled "New Directions from the Field" that is intended to document the status of victims' rights progress since 1984 and provide new recommendations for improved victim services in the future. Similar to the 1984 task force report, this report covers a wide range of topics including victim compensation and restitution. The report makes specific recommendations affecting victim compensation. Many of these recommendations have been implemented in whole or in part in California, and the Board's past year accomplishments, as documented in this Annual Report, are consistent with a number of these recommendations that are presented on the following pages.

# NEW DIRECTIONS FROM THE FIELD

## RECOMMENDATIONS

1. Every state victim compensation program should establish goals to process claims.
2. States should examine the nature, level, and scope of benefits they provide for mental health treatment to ensure that all victims traumatized by crime receive financial support for adequate and culturally meaningful counseling services or healing practices. To achieve this goal, victim compensation programs should consult with advisory groups composed of mental health experts to develop guidelines for counseling benefits, including appropriate treatment lengths and types of mental health providers, documentation requirements for treatment plans and progress reports, and payment levels.
3. Victim compensation programs should expand the types of victims eligible to receive counseling benefits.
4. Victim compensation programs should increase medical benefits for victims of catastrophic physical injury.
5. Victim compensation programs should eliminate restricted statutory reporting requirements and permit victims to report the crime within a reasonable period of time and to agencies other than law enforcement.
6. Statutorily mandated time restrictions on filing claims that require crime victims to apply for compensation within one year of the crime should be re-evaluated. State compensation programs should consider eliminating filing restrictions or at least extending the time limit to three years as was done in Texas and Massachusetts.
7. Every victim compensation program should coordinate with victim assistance programs to develop an effective community outreach strategy to increase public awareness about the purpose and the availability of crime victim's compensation. This strategy should include extensive outreach efforts to ensure that all victims regardless of ethnic race, culture, or language, have knowledge of and access to program benefits.
8. Victim compensation programs have a responsibility to listen to and address the issues of victims they serve. All programs should establish advisory boards that include victims. When developing policies for eligibility and benefits, compensation programs should seek the input of victims' services groups and criminal justice and allied professionals.
9. Victim compensation programs should establish multidisciplinary cross-training programs to ensure that victim advocates and allied professionals are fully informed of the scope of compensation programs and that compensation professionals are kept up-to-date on the services that victims need most.

- 
10. Victim advocacy should be institutionalized in victim compensation programs. Every program should include an advocate on staff to help victims access services and resources not available from the program.
  11. States should maximize victims' ability to recover losses and expenses and should institute mechanisms for ensuring sufficient funding sources for victim compensation programs.
  12. All state compensation programs should evaluate themselves to determine whether: (1) there are barriers to compensation that should be removed; (2) the program's outreach efforts are effective; (3) the services provided are effective; (4) the scope of victims that qualify for compensation is broad enough; (5) claims are processed as efficiently as possible; (6) available benefits for mental health treatment are sufficient; and (7) reasons for denial of compensation claims are appropriate.
  13. Compensation programs should make effective use of advanced technologies such as automated case management systems, electronic linkages with medical providers, insurance companies, and criminal justice agencies.
  14. State compensation programs should work with other state programs that provide funding for victims' services to ensure that victims' needs are met comprehensively throughout the state.
  15. Compensation programs should consider the effects that more universal health coverage outreach (thoroughly expand the public benefits and broader private coverage) might have on their eligibility and benefits structures.
  16. Compensation programs throughout the world should agree to compensate victims of crime within their borders regardless of nationality. The U.S. Department of Justice should continue to work to establish this principle as a basis of coverage in all countries.
  17. Compensation programs should consider providing funds to cover transportation costs for victims who must travel across state lines to attend criminal proceedings.
  18. Compensation programs should use excess funds to support victim assistance.



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